

**In the United States District Court
For the Southern District of Illinois**

Clayton Litton,

Plaintiff,

v

Case No. 17-cv-138

Mitchell Wade Ussery and Pacesetter
Pilot Cars, LLC, an Arkansas
Limited Liability Company,

Defendants.

Original Complaint

1. This court has subject matter jurisdiction over this case under 28 USC 1332 as there is complete diversity of citizenship between the parties and the amount in controversy exceeds, exclusive of interest and costs, the sum of \$75,000. The plaintiff, Clayton Litton, is a citizen of the State of Illinois and the defendant, Mitchell Wade Ussery, is an Arkansas citizen. The defendant, Pacesetter Pilot Cars LLC (Pacesetter) is an Arkansas limited liability company and all of its partners or shareholders are citizens of the State of Arkansas.

2. The injury sustained by Clayton Litton as alleged in this complaint occurred January 5, 2017, at about 6:10 AM on the outside right shoulder of the northbound lanes of travel of Interstate 57 approximately fifty feet south of mile post 50 in Williamson County, Illinois.

3. Immediately before Clayton Litton was injured, Mitchell Wade Ussery was driving a Ford pickup truck northbound on Interstate 57 as the agent of Pacesetter.

4. Immediately before he was injured, Clayton Litton was standing on the outside right shoulder of northbound Interstate 57.

5. At a point south of milepost 50, Mitchell Wade Ussery lost control of the Ford pickup truck he was driving so that it left the roadway, traveled onto the right shoulder of the

northbound lanes of travel of Interstate 57 and crashed into the rear of a vehicle that was stopped on that shoulder and that vehicle then slammed into the person of Clayton Litton who was standing in front it.

6. Clayton Litton was injured at the time and place alleged above and his injuries require and will require medical care and treatment; and, these injuries left him unable to work and are painful and disabling.

7. Clayton Litton's injuries were proximately caused by the failure of Mitchell Wade Ussery to exercise ordinary care while driving the pickup truck in that he failed to keep the pickup truck under control and operated the same at a speed greater than was reasonable and proper for existing traffic conditions and use of the highway in violation of 11-601 (a) of the Illinois Vehicle Code.

8. Therefore, Clayton Litton seeks judgment against both defendants, jointly and severally, for \$600,000 along with his costs of suit.

DATED: February 09, 2017.

MURPHY & MURPHY LLC

By s/ G. Patrick Murphy
G. Patrick Murphy

MURPHY & MURPHY LLC
Attorneys for Plaintiff
3415 Office Park Drive, Suite D
Marion, IL 62959
Ph: 618.248.3236
gpatrick@murphymurphyllc.com